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**REPLY TO WRITTEN OPINION**  
**INTERNATIONAL PATENT APPLICATION PCT/FI2003/000939**  
**APPLICANT: NOKIA CORPORATION**  
**DUE DATE: 14 NOVEMBER 2004**

On account of the Written Opinion issued on 15 September 2004 we submit the following:

The independent claims 1 and 8 are clarified to specifically disclose that an MMS-application is started, a voice clip recording is activated, and a message is recorded in the calling, transmitting device. The independent claim 1 is amended as follows (amendments underlined):

1. A method for transmitting a multimedia message, **characterized** in that the method includes steps of: making a request in a device for establishing a connection with a receiver (101), as a response to a failed attempt for establishing a connection (102), automatically starting a multimedia messaging service (MMS) of the device and activating a recording function of a sound clip (103), recording a voice message as a sound clip of a multimedia message (104) ) in a volatile random access memory of the device, and transmitting the created multimedia message to the receiver (107).

The independent claim 8 is amended as follows (amendments underlined):

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8. An arrangement A device for transmitting a multimedia message, **characterized** in that said device comprises means for making a request for establishing a connection targeting to a receiver (201, 202, 205, 207, 208), means for starting a multimedia messaging service (MMS) of the device (204) and for activating a recording function of a sound clip (204c) of said service automatically as a response to a failed attempt for establishing a connection, means for recording a voice message as a sound clip of a multimedia message (201, 204, 204c, 210) in a volatile random access memory of the device, and means for transmitting the created multimedia message to the receiver (201, 205, 207, 208).

The amendments are based on the original application. The page 5, lines 32-35 determine, that Fig. 2 relates to a device according to a preferred embodiment of the invention, which can be used for establishing a connection with the receiving device. Hence, the solution of the present invention is implemented in the individual calling device after the attempt to establishing a connection fails. The amended claim 8 unambiguously discloses "a device". Page 6, lines 12-15 states: "the device 200 comprises a multimedia messaging service (MMS) 204, which according to a preferred embodiment of the invention can be started automatically, in case the requested voice connection between the device 200 and the receiving device cannot be established." And page 6 continues [lines 15-18]: "in particular, in that case there is started the recording function of the sound clip 204c of the multimedia messaging service. The multimedia messaging service 204 of the device 200..." and further [lines 20-22]: "the recording of a voice message 204c is started automatically, and the obtained result is a sound clip of the multimedia message, which is stored in the volatile random access memory of the memory unit 211." This is stated also in page 2, lines 24-25: "the voice message is recorded in a volatile random access memory of the transmitting device.", where the transmitting device refers to the calling device, which is sending the message, i.e. a device disclosed in the amended claim 8.

Independent claims 9-15 are amended correspondingly so that the preambles refer to "A device according to claim...", instead of "An arrangement...".

Publication D2 discloses a solution for processing a failed attempt for establishing a connection to another subscriber in its Figs. 7A and 7B. In the solution presented in the publication D2 message creation may occur in any of a number of servers such as the call manager (CM), announcement server (AS) or multimedia server (MS) [paragraph 0111, lines 26-27]. Publication D2 discloses that call manager (CM) may



direct the call, not already at the multimedia server, to the multimedia server, where the message is stored [paragraph 0111, lines 27-30]. Whereas in the present invention, the multimedia messaging service (MMS) application is started and a recording function of a sound clip is activated in the calling device automatically as a response to a failed attempt for establishing a connection, as is stated in the amended claims 1 and 8. Thus the present invention is implemented in the calling device, which is not disclosed in the D2 disclosing recording a message using a network server.

Publication D2 discloses [paragraph 0110] a server for presenting a pre-recorded message or a system default message to the caller. The pre-recorded message is pre-recorded by the called party. The presented message informs that the calling party may leave a message of any media type and the storing of the message is implemented e.g. according to chosen media type. Thus the publication D2 relates to sender's ability to choose a media type for recording the message for the called party not reached by a call. The present invention, on the other hand, relates to automatic message recording with the aid of MMS-application in the device of the calling party. Even if the calling party in D2 would choose MMS-type media for recording a sound message, the recording of an MMS-type sound message according to D2 would be implemented in an active connection with the network server, not without connections, in the calling device, as in the present invention. Of course, also according to the present invention the message to be sent is transmitted from the transmitting device to the sender's messaging server, and the messaging server communicates interactively with the messaging unit or messaging program of the transmitting device, as is disclosed in the application in page 7, last paragraph. However the transmission according to the present invention occurs only after the message is recorded, and it is not recorded to a web server via an active connection, as in D2. Thus the transmission according to present invention is simple and quick, not requiring time and capacity consuming interactive connections for recording the messages, nor separate locations in the network for storing the messages, as is stated in the application, page 3, lines 13-15.

The voice message recording is activated automatically in the calling device as a response to a failed attempt for establishing a connection, as is stated in the amended claims 1 and 8. In the present invention the message recording is implemented in the calling device. Such a message recording in a calling device with an automatically activated voice clip of an MMS of a device is not presented in the publication D2. The publications D1, D3, D4, D5, D6, D7 do not disclose a failed attempt for establishing a connection to another subscriber, thus nor an



automatic activation of an MMS as a response to it. So the present invention is new in view of the presented publications.

Based on what is presented in previous, we are strongly in the opinion that the amended claims 1 and 8 are new and inventive. We present that the invention is patentable with the amended claims.

**BERGGREN OY AB**

A handwritten signature in black ink, which appears to read "Terhi Nykänen", is positioned above the printed name.

Terhi Nykänen  
Patent Attorney

ENCL: Amended claims

**Claims**

1. A method for transmitting a multimedia message, **characterized** in that the method includes steps of:
  - 5       - making a request in a device for establishing a connection with a receiver (101),
  - as a response to a failed attempt for establishing a connection (102), automatically starting a multimedia messaging service (MMS) of the device and activating a recording function of a sound clip (103),
  - 10       - recording a voice message as a sound clip of a multimedia message (104) in a volatile random access memory of the device, and
  - transmitting the created multimedia message to the receiver (107).
- 15 2. A method according to claim 1, **characterized** in that it includes a step of including an identifier in the multimedia message by which identifier the multimedia message can be identified as created automatically as a response to a failed attempt for establishing a connection.
3. A method according to claim 1, **characterized** in that it includes a step of attaching (106) in the multimedia message, in addition to the sound clip, one of the following: text, picture, video image or a combination of these.
- 20 4. A method according to claim 1, **characterized** in that the multimedia message containing the recorded sound clip is automatically transmitted to the receiver.
5. A method according to claim 1, **characterized** in that the multimedia message containing the recorded sound clip is transmitted to the receiver as a response to confirming the message sending function (105).
- 25 6. A method according to claim 1, **characterized** in that the multimedia message is transmitted to the number to which the original request for establishing connection was made.
7. A method according to claim 1, **characterized** in that the multimedia message is transmitted to the voicemail box of the number to the which original request for establishing a connection was made.

8. A device for transmitting a multimedia message, **characterized** in that said device comprises

- means for making a request for establishing a connection targeting to a receiver (201, 202, 205, 207, 208),

5 - means for starting a multimedia messaging service (MMS) (204) of the device and for activating a recording function of a sound clip (204c) of said service automatically as a response to a failed attempt for establishing a connection,

10 - means for recording a voice message as a sound clip of a multimedia message (201, 204, 204c, 210) in a volatile random access memory of the device, and

- means for transmitting the created multimedia message to the receiver (201, 205, 207, 208).

15 9. A device according to claim 8, **characterized** in that the device includes means for adding to the multimedia message an identifier indicating that the multimedia message was created automatically.

10. A device according to claim 8, **characterized** in that the device also includes means for attaching to the multimedia message, in addition to the sound clip (204c), text (204b), picture (204a), video image (204d) or a combination of these.

20 11. A device according to claim 8, **characterized** in that it includes means for transmitting the created multimedia message automatically to the number of the receiver to which the original request for establishing a connection was made.

25 12. A device according to claim 8, **characterized** in that it includes means for transmitting the created multimedia message as a response to confirming the multimedia message transmission function.

13. A device according to claim 8, **characterized** in that it includes means for transmitting the multimedia message to the number to which the original request for establishing a connection was made.

30 14. A device according to claim 8, **characterized** in that it includes means for transmitting the multimedia message to a voicemail box connected to the number to which the original request for establishing a connection was made.

15. A device according to claim 8, characterized in that said means are programmatic means.